

**REMARKS**

This application has been carefully considered in connection with the Examiner's Office Action dated April 2, 2008. Reconsideration and allowance are respectfully requested in view of the following.

**Summary of Rejections**

Claims 1-23 were pending at the time of the Office Action.

Claims 1-22 were rejected under 35 USC § 101.

Claims 1-21 were rejected under 35 USC § 102.

**Summary of Response**

Claims 1, 2, 5-7, 10, 11, 13-17, 19, 20, and 23 are currently amended herein.

Claims 3, 4, 8, 9, 12, 18, 21, and 22 remain as originally submitted.

The specification has been amended.

Remarks and Arguments are provided below.

**Summary of Claims Pending**

Claims 1-23 are currently pending following this response.

**Specification**

The specification has been amended. Specifically, paragraphs 0038-0039, 0043-0045, 0047-0050 and 0052-0054 have been amended to correct typographical errors. These amendments are respectfully submitted not to introduce new matter, and are offered for clarification purposes only.

**Applicant Initiated Interview**

Applicants thank Examiner Isaac T. Tecklu for his time and consideration of the arguments and proposed amendments discussed in the interview on June 23, 2008. In the interview, Examiner Isaac T. Tecklu further considered the applied art in view of the proposed claim amendments. Examiner Isaac T. Tecklu indicated that a further search may be performed. A detailed discussion of the differences between the applied art and the claim limitations follows.

**Response to Rejections**

Mullins does not anticipate a listener that receives output from commercial-off-the-shelf software applications and a translator in communication with the listener to receive the output and configured to translate the output. The pending disclosure teaches a listener that simulates a driver by intercepting output from a commercial-off-the-shelf software application intended for the driver. Instead of communicating directly with a data store, the listener conveys the intercepted output to a translator that translates the output to a generic format. After the translator translates the output, a data access layer determines where to direct the translated output, a wrapper receives

and wraps the translated output, and only then is the data store accessed to receive the wrapped and translated output. Therefore, the pending disclosure provides a system that enables commercial off-the-shelf (COTS) computing applications to communicate with data stores regardless of the version of a COTS application or data store. The COTS applications can connect to the data stores using the drivers the COTS applications normally use and do not need to be aware the data store to which a data request is sent. The data stores can be upgraded as needed without the need for any changes in the COTS applications, thus effectively decoupling the COTS applications from the data stores.

Mullins teaches a translator that translates between a wide variety of different data formats and a database driver that accesses a database directly using the data format translated by the translator. Although Mullins discloses a translator and a driver, Mullins does not anticipate a listener that receives output from commercial-off-the-shelf software applications and a translator in communication with the listener to receive the output and configured to translate the output.

These distinctions, as well as others, will be discussed in greater detail in the analysis of the present claims that follows.

### **Response to Rejections under Section 101**

In the Office Action dated April 2, 2008, Claims 1-22 were rejected under 35 USC § 101 because "the claimed invention is directed to non-statutory subject matter."

The Office Action rejected Claims 1, 13 and 16 under 35 USC § 101 as being "directed to 'a system'" that "is reasonably interpreted as entirely software." Claims 1,

13 and 16 have been amended herein to recite components that are recorded on a computer-readable medium, and at least one processor. Applicants respectfully submit that the amended Claims 1, 13 and 16 recite statutory subject matter. Accordingly, Applicants respectfully request the rejection under 35 USC § 101 be withdrawn.

The Office Action rejected Claims 2-12, 14-15 and 17-22 under 35 USC § 101 for failing to cure the deficiencies of the above rejected non-statutory claims.

Claims 2-12, 14-15 and 17-22 depend directly or indirectly from Claims 1, 13 and 16, respectively, and incorporate all of the limitations thereof. Accordingly, Applicants respectfully submit that Claims 2-12, 14-15 and 17-22 are similarly directed to statutory subject matter. Applicants respectfully request the rejection under 35 USC § 101 be withdrawn.

### **Response to Rejections under Section 102**

#### **Claim 1:**

Claim 1 was rejected under 35 USC § 102(e) as being anticipated by Mullins, U.S. Patent No. 7,149,730 (hereinafter "Mullins").

I. Mullins does not anticipate a listener that receives output from commercial-off-the-shelf software applications and a translator in communication with the listener to receive the output and configured to translate the output.

Amended Claim 1 recites "a listener, recorded on a computer readable medium, when executed by the at least one processor, to receive the output from the commercial-off-the-shelf software application; a translator, recorded on the computer readable medium, in communication with the listener and the plurality of second data

stores, when executed by the at least one processor, to receive the output and configured to translate the output.”

In reference to a rejection of independent Claim 13, which includes limitations substantially similar to the limitations in amended Claim 1, the Office Action alleges that per:

claim 13, Mullins discloses . . . a listener to receive the output from the commercial-off-the shelf software application (col. 4:40-50 “...access the database directly though a database driver ...” and col. 12:45-50 “...using a JDBC driver to which is passed data store access code 205 of Figure 5”); a translator in communication with the listener to receive the output and operable to translate the output (col. 29: 20-30 “...for translating between a wide variety of different data formats ...”)

Mullins teaches a translator that translates between a wide variety of different data formats and a database driver that accesses the database directly using the data format translated by the translator. Mullins teaches that the JDBC driver, which the Office Action equates to the listener, directly accesses a data store.

In contrast, the pending disclosure teaches a translator that receives the output from the commercial-off-the-shelf software application after the listener receives the output from the commercial-off-the-shelf software application, such that the listener does not communicate directly with the data store. Claim 13 limitations clarify that after the translator translates the output, a data access layer determines where to direct the output, a wrapper receives and wraps the translated output, and only then is the data store accessed to receive the wrapped and translated output. Paragraphs 19 and 20 of the pending disclosure clearly differentiate between the listener of Claim 1 and the data store driver, which was equated by the Office Action to the listener, as taught by Mullins:

The listeners 32, 34, and 36 simulate the functions of the listeners that are typically built in to commercially available data stores. More specifically, each listener 32, 34, or 36 simulates the listener of the data store for which its corresponding COTS application 12, 14, or 16 was certified. Thus, a COTS application 12, 14, or 16 can submit a data request in its normal manner and, from its perspective, the data request is received by the same listener that normally receives its data requests.

Each listener 32, 34, or 36 communicates with a corresponding translator 42, 44, or 46. The translators 42, 44, and 46 translate data requests between the formats of the listeners 32, 34, and 36 and a single or generic format.

In contrast to Mullins' driver, which receives the translated output and communicates directly with the data store, the listener taught by the pending disclosure simulates a driver by intercepting the output intended for the driver, and conveys the intercepted output to a translator, which translates the output that is only later conveyed to the data store. Therefore, Mullins does not anticipate a listener that receives output from commercial-off-the-shelf software applications and a translator in communication with the listener to receive the output and configured to translate the output.

For at least the reasons established above in section I, Applicants respectfully submit that independent Claim 1 is not anticipated by Mullins and respectfully requests allowance of this claim.

#### **Claims depending from Claim 1:**

Claims 2-12 were rejected under 35 USC § 102(e) as being anticipated by Mullins.

Dependent Claims 2-12 depend directly or indirectly from independent Claim 1 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in section I above, Applicants respectfully submit that Claims 2-12 are not anticipated by Mullins and respectfully requests allowance of these claims.

**Claim 13:**

Claim 13 includes limitations substantially similar to the limitations discussed in section I above. Accordingly, the arguments of section I are hereby repeated for Claim 13.

For at least the reasons established above in section I, Applicants respectfully submit that independent Claim 13 is not anticipated by Mullins and respectfully request allowance of this claim.

**Claims Depending from Claim 13:**

Claims 14-15 were rejected under 35 USC § 102(e) as being anticipated by Mullins.

Dependent Claims 14-15 depend directly or indirectly from independent Claim 13 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in section I above, Applicants respectfully submit that Claims 14-15 are not anticipated by Mullins and respectfully request allowance of these claims.

**Claim 16:**

Claim 16 includes limitations substantially similar to the limitations discussed in section I above. Accordingly, the arguments of section I are hereby repeated for Claim 16.

For at least the reasons established above in section I, Applicants respectfully submit that independent Claim 16 is not anticipated by Mullins and respectfully request allowance of this claim.

**Claims Depending from Claim 16:**

Claims 17-23 were rejected under 35 USC § 102(e) as being anticipated by Mullins.

Dependent Claims 17-23 depend directly or indirectly from independent Claim 16 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in sections I above, Applicants respectfully submit that Claims 17-23 are not anticipated by Mullins and respectfully request allowance of these claims.



**Conclusion**

Applicants respectfully submit that the present application is in condition for allowance for the reasons stated above. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encouraged to telephone the undersigned at (972) 731-2288.

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 21-0765, Sprint.

Respectfully submitted,

Date: July 2, 2008

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